

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

IN RE:)	
IKO ROOFING SHINGLE)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 2104
)	
THIS DOCUMENT RELATES TO)	
ALL ACTIONS)	

ORDER NO. 2

1. **Initial Conference.** All parties shall appear personally or by representation for a conference with the undersigned on February 17, 2010, at 1:30 p.m. in Courtroom A, United States Courthouse, 201 S. Vine St., Urbana, Illinois.

a. **Attendance.** To minimize costs and facilitate a manageable conference, parties are not required to attend personally the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney, a lead or liaison attorney, to act on their joint behalf at the conference. Parties will not, by designating an attorney to represent their interests at the conference, be precluded from other representation during the litigation; and attendance at the conference will not waive objections to jurisdiction, venue, or service.

B. **Other Participants.** Persons who are not named as parties in this litigation but may later be joined as parties or are parties in related litigation pending in other federal and state courts are invited to attend in person or by counsel.

2. **Purposes; Agenda.** The conference will be held for the purposes specified in Fed. R. Civ. P. 16(a), 16(b) and 16(c) and subject to the sanctions prescribed in Rule 16(f). A tentative agenda is appended as Attachment A. Counsel are encouraged to advise the court as soon as possible of any items that should be added to the agenda.

3. **Preparations for Conference.**

a. Procedures for Complex Litigation. Counsel are expected to familiarize themselves with the *Manual for Complex Litigation, Fourth*, and be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.

b. Initial Conference of Counsel. Before the conference, counsel shall confer, as required by Fed. R. Civ. P. 26(f), and seek consensus to the extent possible with respect to the items on the agenda, including selection and designation of lead or liaison counsel, a proposed discovery plan and a suggested schedule under Rule 16(b) for joinder of parties, amendment of pleadings, consideration of class action allegations, and motions.

c. List of Affiliated Companies and Counsel. To assist the court in identifying any problems of recusal or disqualification, counsel will submit to the court by February 3, 2010 a list of all companies affiliated with the parties and all counsel associated in the litigation.

d. Preliminary Reports. Counsel will submit to the court by February 3, 2010 a brief written statement indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will not be filed with the clerk, will not be binding, will not waive claims or defenses, and may not be offered in evidence against a party in later proceedings.

e. List of Pending Motions. Counsel's statement shall list all pending motions.

f. List of Related Cases. Counsel's statement shall list all related cases pending in state or federal court and their current status, to the extent known.

4. **Interim Measures**. Until otherwise ordered by the court:

a. Pending and New Discovery. Pending the conference, all outstanding disclosure and discovery proceedings are stayed and no further discovery shall be initiated. This Order does not (1) preclude voluntary informal discovery regarding the identification and location of relevant

documents and witnesses; (2) preclude parties from stipulating to the conduct of a deposition that has already been scheduled; (3) prevent a party from voluntarily making disclosure, responding to an outstanding discovery request under Rule 33, 34, or 36; or (4) authorize a party to suspend its efforts in gathering information needed to respond to a request under Rule 33, 34, or 36.

b. Preservation of Records. Each party shall preserve all documents and other records containing information potentially relevant to the subject matter of this litigation. Each party shall also preserve any physical evidence and shall not conduct any testing that alters the physical evidence without notifying opposing counsel and, unless counsel stipulate to the test, without obtaining the court's permission to conduct the test. Subject to further order of the court, parties may continue routine erasures of computerized data pursuant to existing programs, but they shall (1) immediately notify opposing counsel about such programs and (2) preserve any printouts of such data. Requests for relief from this directive will receive prompt attention from the court.

c. Motions. No motion shall be filed under Rules 11, 12, or 56 without leave of court and unless it includes a certificate that the movant has conferred with opposing counsel in a good faith effort to resolve the matter without court action.

d. Orders of Transferor Courts. Any orders by transferor courts imposing dates for pleading or discovery are vacated.

5. Later Filed Cases. This Order shall also apply to related cases later filed in, removed to, or transferred to this court.

ENTERED this 17th day of December, 2009

s/ Michael P. McCuskey
MICHAEL P. McCUSKEY
CHIEF U.S. DISTRICT JUDGE